

Decision No. 47507

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
into the rates, rules, regulations,)
charges, allowances and practices)
of all common carriers, highway)
carriers and city carriers relating)
to the transportation of property.)

Case No. 4808

OPINION AND ORDER

By petition filed in this proceeding on April 24, 1950, The Motor Truck Association of Southern California and the Truck Owners Association of California ask that the Commission "investigate the cost involved in the transportation of commodities by common carriers by railroad in carload lots, and that upon the basis of such costs determine and fix just, reasonable, sufficient and non-discriminatory rates, charges, classifications, rules, regulations and practices for transportation of commodities in carload lots by rail common carriers and by radial and highway common carriers and contract carriers."

Petitioners state that a majority of all tonnage transported by highway carriers moves at the carload rates established and fixed by the rail common carriers or at rates formed by the use of carload rail rates plus the minimum rates set for distances beyond rail head. They allege that "the existing carload rail rates for transportation of commodities between points in this State are not reasonable or sufficient rates and are not justified by actual competitive transportation rates of competing carriers or the cost of other means of transportation."

Replies to the petition were filed by Southern Pacific Company, The Atchison, Topeka and Santa Fe Railway Company, The Western Pacific Railroad Company and Union Pacific Railroad Company, by the California Manufacturers Association and by the Los Angeles Chamber of Commerce. The replies state that an investigation of the myriad carload commodity rates in effect on California intrastate traffic would require many years to complete, would effectively prevent adjustment in the meantime of a single carload rate which the needs of commerce may require, and would be contrary to the public interest. The rail lines declare that petitioners' general allegation that existing carload rail rates in their entirety are not reasonable or sufficient is obviously not true, and is not worthy of serious consideration by the Commission. The rail carriers, the California Manufacturers Association and the Los Angeles Chamber of Commerce ask that the petition be denied.

The petition does not seek to attack any specific rate, but rather requests the Commission immediately to undertake an investigation of the entire carload rail rate structure. Petitioners have been requested in writing by the Commission's staff, not only once but several times, to amend their petition to specify what rate or rates they consider to be unlawful. Two years have passed. No amendment has been forthcoming. The petition as it stands does not state clearly and concisely the relief sought.

The petition will be denied. This action is without prejudice to the filing by petitioners of an appropriate complaint concerning any rate or rates which they may consider to be unlawful. Therefore, good cause appearing,

IT IS HEREBY ORDERED that the aforesaid petition, filed in this proceeding on April 24, 1950, be and it is hereby denied without prejudice.

This order shall become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 22nd day of July, 1952.

P. J. [Signature]
President
Justice J. [Signature]
Harold F. [Signature]
[Signature]
Commissioners